

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In the Matter of Arbitration between

STEVEN M. JOHNSON, P.C.,
d/b/a THE JOHNSON LAW FIRM
Plaintiff,

v.

WILLIAM DRAKE,
Defendant.

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Case No. 3:16-cv-00493-D

**PLAINTIFF STEVEN M. JOHNSON, P.C., D/B/A THE JOHNSON LAW FIRM'S
NOTICE OF VOLUNTARY DISMISSAL**

Plaintiff Steven M. Johnson, P.C., d/b/a The Johnson Law Firm ("Johnson"), by and through its counsel, Wallach & Andrews, P.C., files its Voluntary Notice of Dismissal of this matter as stated in its Original, First Amended, and Second Amended Petition to Compel Arbitration against the Defendant William "Scott" Drake, ("Defendant" or "Drake) pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i):

1. Plaintiff is Steven M. Johnson, P.C., d/b/a The Johnson Law Firm, a professional corporation incorporated under the Laws of the State of Texas, domiciled in the State of Texas, a citizen of Texas, and engaged in the practice of law with a principal place of business in Fort Worth, Tarrant County, Texas.
2. Defendant is William "Scott" Drake, an individual and citizen of Minnesota with an address located at 1477 Sherman Lake Road, Lino Lakes, Minnesota 55082.
3. Defendant has been served with process, but has not served an answer, motion to dismiss, or motion for summary judgment.

4. This case is not a class action under Fed. R. Civ. P. 23, a derivative action under Fed. R. Civ. P. 23.1, or an action relating to an unincorporated association under Fed. R. Civ. P. 23.2.
5. No receiver has been appointed in this case. Fed. R. Civ. P. 66.
6. This case is not governed by any federal statute that requires a court order for voluntary dismissal of this claim. The claim specifically presented in this proceeding is moot in that the Special Master of the second arbitration commenced on February 16, 2016, (JAMS Ref. No. 1200048059, Steven M. Johnson P.C., d/b/a The Johnson Law Firm v. William Drake, purportedly initiating arbitration under the "Master Settlement Agreement" entered into with the DePuy Hip ASR Settlement), concluded that she did not have jurisdiction of the dispute due to the ongoing arbitration in Dallas, JAMS Ref. No. 1310021501. See Exhibit 1, attached hereto and incorporated by reference. Defendant also tendered his deposition in JAMS Ref. No. 1310021501 without objection.
7. Plaintiff has not previously dismissed any federal or state court suit based on or including the same claims as those presented in this case.
8. This dismissal is without prejudice.

Dated: March 11, 2016.

Respectfully submitted,

By: /s/ Jennifer M. Andrews
Jennifer M. Andrews
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(817) 338-1707 / (817) 338-1787 FAX

**ATTORNEYS FOR STEVEN M. JOHNSON,
P.C., D/B/A THE JOHNSON LAW FIRM**

CERTIFICATE OF SERVICE

I hereby certify that on 11th day of March 2016, Steven M. Johnson, P.C., d/b/a The Johnson Law Firm's, Notice of Voluntary Dismissal was served via electronic mail to William "Scott" Drake's counsel of record:

Ashley Raso, via E-mail: araso@meshbeshher.com
Meshbeshher & Spence
1616 Park Avenue
Minneapolis, MN 55404

/s/ Jennifer M. Andrews

Of Wallach & Andrews, P.C.

EXHIBIT 1

JAMS CASE REFERENCE NO. 1200048059

In re: U.S. ASR Hip Settlement,

ORDER NO. 2: JURISDICTION

1. Parties and Counsel. The parties to this proceeding attended the hearing and are represented as follows:

Ashleigh E. Raso
Meshbesh & Spence
1616 Park Ave.
Minneapolis, MN 55404
612-339-9121
araso@meshbesh.com
Representing: William S. Drake

Tom Needham
Steven Johnson
Johnson Law Firm
3116 W. Fifth St.
Ft. Worth, TX 76107
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Jennifer M. Andrews
Wallach Andrews, P.C.
2501 Parkview Drive, Suite 303
Fort Worth, TX 76102
817-338-1707
j.andrews@wallach-law.com

2. Special Master:
Cathy Yanni
JAMS
Two Embarcadero Center
Suite 1500
San Francisco, CA 94111
415-774-2635 415-982-5287 (fax)
3. Arbitrator
Hon. Glen M. Ashworth (Ret.)
JAMS
8401 N. Central Expressway, Suite 610
Dallas, TX 75225
214-744-5267 214-720-6010 (fax)

Case Coordinator:

Darcy English
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4. I have reviewed the Claimants Statement of Claim Subject to Objection to Jurisdiction and Motion to Dismiss, Transfer or Stay Arbitration, William "Scott" Drake and Meshbeshier & Spence's Response to Steven M. Johnson, PC. d/b/a/ The Johnson Law firm's Objection to Jurisdiction as well as all exhibits and submitted documentation.

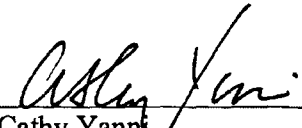
5. The Johnson Lawfirm (JLF) and Drake have been engaged in an arbitration since August 1, 2014 in JAMS Dallas, JAMS Ref No. 1310021501. The arbitration commenced, the Honorable Glen Ashworth (Ret.) was appointed Arbitrator. The hearing of JAMS Reference 131002151 is set for April 4, 2016 in Dallas.

6. At the time this matter, JAMS Ref. No. 120004859, was referred to me as the Special Master I was unaware and not informed of the arbitration already proceeding before Judge Ashworth.

7. I concur that I do not have jurisdiction over this matter and hereby dismiss JAMS Case Ref. No. 1200048059. Scheduling Order No. 1 in this matter is withdrawn.

Dated: _____

3/9/16



Cathy Yanni
Special Master